

FEDERAL COMMUNICATIONS COMMISSION
445 12th Street, SW
Washington, DC 20554

MEDIA BUREAU
AUDIO DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730

PROCESSING ENGINEER: ROBERT GATES
TELEPHONE: (202) 418-0986
FACSIMILE: (202) 418-1410
INTERNET ADDRESS: Robert.Gates@fcc.gov

MAR 25 2015

Capstar TX, LLC
2625 S. Memorial Drive
Suite A
Tulsa, OK 74129

In Re: W271BW, Milbrook, CT
Facility ID # 139897
BLFT-20141223ABN

Dear Licensee:

This refers to interference complaints filed by Saga Communications of New England, LLC filed January 14, 2015 and all related pleadings. There are a total of thirty-three listener complaints must be resolved. Listener complaints can be filed at any time. The complaints allege that W271BW is interfering with the reception of WAQY(FM), Springfield, Massachusetts.

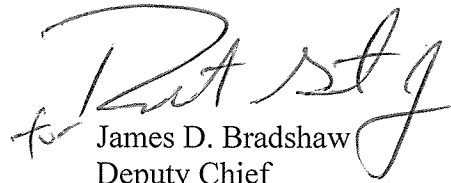
Pursuant to 47 C.F.R. § 74.1203, W271BW is required to eliminate any actual interference it causes. Therefore, it is necessary for W271BW to submit a detailed report on the attached complaint even if the complainant might have been addressed in a previous proceeding. For the complaint, the report must include: (1) the name and address of the complainant; (2) specific devices receiving the interference (i.e. type of device, manufacturer's name, model number, and serial number); and (3) any assistance provided by W271BW for each device allegedly receiving the interference and whether such interference persists. Each of the complaints must be addressed individually.

The Commission's Rules regarding FM translators restrict FM translator stations to operate strictly on a secondary basis and limit their service. Section 74.1203(a)(3) states that an FM translator station will not be permitted to continue to operate if it causes any actual radio signal interference to the direct reception by the public of the off-the-air signals of any authorized broadcast station.¹ Actual interference is based on listener complaints indicating that the signal they regularly receive is being impaired by the signal radiated by the FM translator station. Section 74.1203(b) states that if the

¹ An FM translator station creating actual radio signal interference to any authorized broadcast station is obligated to eliminate the interference, regardless of the location where the impaired signal reception occurs.

interference cannot be properly eliminated by the application of suitable techniques, the operation of the offending FM translator station shall be suspended and shall not be resumed until the interference has been eliminated.

Within thirty days of this letter, W271BW must take appropriate actions required by the provisions of 47 C.F.R. § 74.1203 to resolve all complaints of interference to fulfill its obligations. Further action on this complaint will be withheld for a period of thirty days from the date of this letter to provide W271BW an opportunity to respond. Failure to correct all complaints within this time may require W271BW to suspend operation pursuant to 47 C.F.R. §§ 74.1203(e) and 74.1232(h).

A handwritten signature in black ink, appearing to read "J. Bradshaw", is written over the printed name.

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

2015 JAN 16 A 9:24

In the Matter of)

CAPSTAR TX, LLC)

Application for License)

FM Translator W271BW,
Milbrook, CT)

File No. BLFT-20141223ABN
Facility ID Number: 139897

To: The Office of Secretary
Attn: Chief, Audio Division, Media Bureau

Accepted/Files

JAN 14 2015

Federal Communications Commission
Office of the Secretary

INTERFERENCE COMPLAINT

Saga Communications of New England, LLC ("Saga"), licensee of commercial FM station WAQY, Springfield, Massachusetts, by its attorney and pursuant to Section 74.1203 of the Commission's Rules, hereby files this Complaint of interference to the reception of regularly used signals of WAQY by FM Translator W271BW, Milbrook, Connecticut. On January 9, 2015, as a precaution, Saga filed an informal objection to the above-captioned application (BLFT-20141223ABN) of Capstar TX LLC for a license to cover Construction Permit No. BMPFT-20140919AAM ("CP"). The CP was issued in connection with FM Translator Station W271BW, Milbrook, CT. Saga asked that action on the captioned application be deferred because the secondary facility covered by the application is causing destructive interference to the reception of primary FM station WAQY. In light of the receipt of at least 11 complaints of interference, Saga now requests the Commission to order Capstar to suspend operations of W271BW until Capstar eliminates the interference.

WAQY operates on FM Channel 271B at Springfield, Massachusetts, and has a co-channel relationship to W271BW. The application for license covers a permit for the operation

of the translator on channel 271 with 0.250 kW (250 Watts) effective radiated power with an antenna center of radiation at 53 meters above ground. Due to the proximity of the WAQY and W271BW transmitter sites and the fact that the stations are on co-channels, there is now intolerable interference to the reception of WAQY.

As noted in Saga's Informal Objection, since December 26, 2014, the approximate date on which W271BW commenced program tests pursuant to the facilities set forth in the CP, Saga has received complaints from listeners regarding interference from W271BW. These complaints are *prima facie* evidence that the operation of Capstar's translator on Channel 271 is causing impaired reception to the regularly used signal of WAQY. Pursuant to Section 74.1203(a) of the Commission's Rules, Capstar's FM translator on Channel 271 at Millbrook must not offer any interference to the direct reception of WAQY, regardless of the quality of such reception, the strength of the signal so used, or the channel on which the protected signal is transmitted. To date, Saga has received complaints of interference from eleven WAQY listeners. The following complaints were gleaned from WAQY's Facebook page or from summaries of voice mails received:

1. Listener Michael DeZerga

- Reports on the WAQY ("Rock 102") Facebook page that, as of December 26, 2014, he is no longer able to listen to WAQY "Rock 102" in Southern Connecticut. He says his commute takes him from his home at 296 Bates Drive in Cheshire, CT south (via Route 40) to I-91. This takes him through North Haven, CT. He then travels through New Haven, CT to I-95 south and ultimately to his work address at 460 Elm Street in West Haven, CT. He says he had been able to hear WAQY on this commute before, save for a region in the shadow of Mt. Carmel and Sleeping Giant State Park.

- Phone: (203) 887-7587
- Email: Piebald76@aol.com

2. Listener Scott Conway

- Reports that he used to be able to hear WAQY on his commute from Middletown, CT down I-91 through New Haven, CT, onto I-95 and to his place of work off Exit 40 in Milford, CT. He says he now can no longer listen any farther south than Wallingford, CT on I-91 (Exit 14).

- Phone: (860) 670-2827
- Email: scmclfy@gmail.com

3. Listener John Berry

- Reports of reception difficulty of WAQY throughout Wallingford, CT. He says his work takes him throughout the city and he used to be able to listen to WAQY everywhere in Wallingford, but now cannot. Areas of particular concern for him are along South Cherry Street and along Route 15 between Meriden, CT and Wallingford, CT.

- Phone: (203) 537-3232
- Email: JJB9@juno.com

4. Listener Brian Freeman

- Reports of reception difficulty for WAQY throughout the Wallingford, CT area. He describes his reception as “spotty” and “unlistenable” where it used to be clear. Areas of particular concern for him are along North Colony Road in Wallingford, CT and at his residence at 5 Hampton Trail in Wallingford, CT.

- Phone: (203) 623-4500
- Email: brian@sparc.us

5. Listener Edward Mattei

- Reports of reception difficulty for WAQY in North Haven, CT. He says he used to be able to listen but now cannot...that it sounds like “another station is feeding into WAQY.”

- Phone: (203) 627-8622
- Email: none provided

6. Listener Joseph Sparberry

- Commutes daily from Westfield, MA south down I-91 to Wallingford, CT. He says he used to be able to hear WAQY clearly on the whole commute but now loses it at Exit 14 on I-91...that it sounds like “another station [or something] is overriding it.”

- Phone: (413) 218-7037
- Email: none provided

7. Listener Bruce Dean

- Lives in Guilford, CT and works in North Haven, CT and reports that he used to be able to hear WAQY but no longer can because of “a new station operating out of New Haven at the same frequency (102.1).”

- Phone: none provided
- Email: BruceDean.Koeppen@quinnipiac.edu

8. Listener Ken Stein

- A “devout [WAQY] listener since 1999.” In North Haven, CT, he reports that a different station is on 102.1...that it calls itself “Rock 102” but “fail[ed] to give call letters, location, or a DJ’s name. It seems very automated and recorded. There are advertisements for businesses in the local area...which would never advertise on [the real] Rock 102. The commercials are very similar to those heard on 99.1 WPLR also in the same area.” He later writes that it does announce call letters as “WKCI-H[D]2.”

- Phone: (860) 655-0330
- Email: jcman95@aol.com

9. Listener Tom Probulis

- Lives and works in Portland, CT and a significant amount of interference is preventing him from listening to WAQY.
- Phone: (860) 342-4735
- Email: Tom@yankeeboatyard.com

10. Listener Dave Fazzuoli

- Drives from Durham, CT (Middlesex County) to North Haven, CT (New Haven County) and loses Rock 102 along the way. He states that he hears “another station playing classic rock.”
- Phone: none provided
- Email: dfazzuoli81@gmail.com

11. Listener Jeremy Maliga

- Lives/works in the Middlefield/Durham, CT area. His work brings him down to New Haven, CT along I-91. He used to be able to hear WAQY “crystal clear” but now another station “bleeds over really strong.”
- Phone: none provided
- Email: person25@aol.com

Saga has provided the pertinent information for 11 listeners, and expects to receive more complaints. Because Saga has shown that interference is occurring to the reception of the regularly-used signal of WAQY, Saga requests that the Commission order Capstar to suspend operations until Capstar is able to resolve these complaints.

Respectfully submitted,

**SAGA COMMUNICATIONS
OF NEW ENGLAND, LLC**

By: 

Gary S. Smithwick
Its Attorney

Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, NW
Suite 301
Washington, DC 20016
202-363-4560
January 14, 2015

CERTIFICATE OF SERVICE

I, Sherry L. Schunemann, a secretary in the law office of Smithwick & Belendiuk, P.C., do hereby certify that a copy of the foregoing "Interference Complaint" was mailed this 14th day of January, 2015, by First Class, U.S. Mail, postage prepaid, to the following:


Peter H. Doyle, Esq.
Chief
Audio Division
Media Bureau
Federal Communications Commission
Washington, DC 20554 (by hand and electronic mail)

Mr. James D. Bradshaw
Assistant Chief
Audio Division
Media Bureau
Federal Communications Commission
Washington, DC 20554 (by hand and electronic mail)

Mr. Robert Gates
Engineer
Media Bureau
Federal Communications Commission
Washington, DC 20554 (by hand and electronic mail)

Marissa G. Repp, Esq.
Repp Law Firm
1629 K Street, NW
Suite 300
Washington, DC 20006
(also by electronic mail to marissa@repplawfirm.com)

Mr. Troy Langham
Clear Channel
2625 S. Memorial Drive, Suite A
Tulsa, OK 74129


Sherry L. Schunemann

Robert Gates

From: Mark Denbo <mdenbo@fccworld.com>
Sent: Wednesday, March 04, 2015 9:28 AM
To: Robert Gates
Cc: Marissa Repp; Gary Smithwick
Subject: Interference Complaint Against FM Translator W271BW, Milbrook, CT - License Application No. BLFT-20141223ABN

Dear Mr. Gates,

Saga Communications of New England, LLC ("Saga"), licensee of commercial FM station WAQY, Springfield, Massachusetts, filed an Interference Complaint on January 14, 2015, concerning interference to the reception of regularly used signals of WAQY by FM Translator W271BW, Milbrook, Connecticut. The January 14 pleading included complaints from 11 listeners. Since that time, Saga has received complaints from an additional 22 listeners. Below is a summary of those 22 new complaints, gleaned from WAQY's Facebook page or from summaries of voice mails received. Saga requests that the Commission take the steps necessary to ensure that the Translator's licensee (Capstar TX, LLC) eliminates the interference.

If you request, Saga will file a more formal pleading with the Commission's Secretary. Please let me know if that is necessary. Thank you for your consideration of this matter.

- Mark

- Kristine Scheyd
 - o (860) 212-4475
 - o klscheyd@gmail.com
 - o Reports that she lives at 699 Lower Lane, Berlin, CT and works at 925 Sherman Ave in Hamden, CT. She travels Rt 15 south on her commute. She used to be able to hear WAQY the whole way and now loses WAQY about 1 mile north of the North Haven service plaza on Rt 15.
- Brian Barletta
 - o (203) 500-7328
 - o bbarletta@cox.net
 - o He used to be able to hear WAQY on his commute between Cheshire, CT down Rt. 10 to Whitney Ave in Hamden, CT (but for in the shadow of Sleeping Giant State Park). He now picks up a new station on 102.1 at around Sleeping Giant State Park and Quinnipiac College and it carries the rest of the way.
- Joe Barile
 - o (203) 234-2651
 - o jbardbar@att.net
 - o He says that he can no longer hear WAQY anywhere south of Meriden, CT but instead hears a different station on 102.1.
- Gregory Narajka
 - o (203) 567-6296 x2937
 - o Gregory.narajka@sikorsky.com

- o He says that he can no longer hear WAQY in Wallingford, CT (in the 06492 area code) and instead hears a different station on 102.1 (which he says mentioned they were an “iHeart” station).
- Laura Markowicz
 - o Lmarkowicz1@hotmail.com
 - o She complains that she is having difficulty receiving WAQY in the Meriden, CT area (along Crown St) and in Wallingford, CT (along Research Parkway).
- Kris Akerley
 - o kakerley@sbcglobal.net
 - o He lives in Branford, CT on Long Island Sound. He used to be able to get WAQY at home but now gets another station on 102.1. He says this experience continues until he goes north of Exit 13 on I-91 North where he starts to hear WAQY again.
- Kevin Welch
 - o Kwelch01@sbcglobal.net
 - o He lives in Wallingford, CT and could get WAQY at his home until late December, 2014. He now no longer can.
- Maria Van
 - o mariavans@gmail.com
 - o She lives in central CT. In many parts of Middlesex and New Haven counties, as well as her home in Kensington, CT, she can no longer hear WAQY.
- Kerry Card
 - o Raveangelx79@gmail.com
 - o She commutes from Hartford, CT to New Haven, CT and finds that the WAQY signal now cuts out at Wallingford CT (on I-91 south) where she used to be able to hear it on the whole commute.
- Cara Gibilisco
 - o (203) 440-0081
 - o C_gibilisco@hotmail.com
 - o She lives in Meriden, CT and commutes south to New Haven, CT on I-91. For the past few months, she loses WAQY at Wallingford, CT (Exit 14) and picks up another station on 102.1 about ½ mile later.
- Dean Baruffi
 - o (203) 436-4972
 - o Dean.baruffi@yale.edu
 - o He commutes from Berlin, CT to New Haven, CT. For the past several months he hears a different station on 102.1 where he used to hear WAQY. His commute takes Rt 15 to I-91 south at Exit 16 and then south on I-91 to New Haven. He says he starts to lose WAQY at Exit 14 (Wallingford, CT) and it is completely lost by Exit 13. He used to be able to hear WAQY on the whole commute.
- Ray Goulet
 - o (860) 634-3021
 - o On I-91 south to New Haven, he reports he loses WAQY by Exit 17.

- Scott Hotaling
 - o (413) 575-1787
 - o He reports that he can no longer hear WAQY in the New Haven area. While driving south, he loses it at around North Haven, CT on either Rt 15 or I-91.
- Ryan Gombar
 - o (860) 680-6361
 - o He reports that he used to be able to hear WAQY on his commute to Shelton, CT (Rt 15) but that he now loses it anywhere south of Wallingford, CT.
- Dana Barnes
 - o (860) 930-1933
 - o He lives in Simsbury, CT and works in East Hamden, CT. He used to be able to hear WAQY but no longer can.
- William Tolento
 - o (203) 668-5063
 - o He lives in Guilford, CT and used to be able to hear WAQY at home and in the New Haven area but now no longer can.
- Stephanie Walker
 - o (860) 508-2490
 - o She commutes to Stratford, CT on I-95. She used to be able to hear WAQY on her commute but now cannot hear WAQY anywhere further south of the Wallingford, CT area (Exits 13/14) on I-91 South.
- Wayne Maciejko
 - o (860) 331-9648
 - o He lives in Meriden, CT. On recent trips to Yale/New Haven Hospital, he finds that he now loses WAQY at about Exit 14 on I-91 South (Wallingford, CT) and picks up a different station on 102.1 where this had not previously been the case.
- Greg Vincek
 - o (860) 550-3032
 - o gvincek@comcast.net
 - o He lives in Eastern Ct. When he travels to the New Haven area he loses WAQY on I-91 south around Wallingford, CT and starts hearing a different station on 102.1. He said that had not previously been the case and the issue started about three months ago.
- Joshua King
 - o (860) 608-0692
 - o He reports that he can no longer hear WAQY in the I-95 corridor on Long Island Sound. He reports he used to be able to hear WAQY as far northeast as Old Lyme, CT. He now hears a different station on 102.1.
- Andrew Pack
 - o (413) 627-0235
 - o He reports that he uses to be able to hear WAQY on his commute to the New Haven area but now loses the signal on I-91 south at Wallingford, CT

- Craig Sylvia
 - o (860) 682-7304
 - o He reports that he loses WAQY south of Meriden, CT and gets a different station on 102.1. He experiences this problem on I-91 South, losing the signal at Wallingford, CT

Mark B. Denbo

Smithwick & Belendiuk, P.C.

5028 Wisconsin Avenue, N.W., Suite 301

Washington, DC 20016

(202) 350-9656 *office*

(202) 365-8070 *mobile*

mdenbo@fccworld.com